IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 504 (SS) of 2007

Constable 715, Stayendra Kumar, S/o Sri Dharamveer Singh, R/o Village – Badavad, Police Station – Vinoli, District – Bagpat, presently posted at Police Station – Sitarganj, District - Udham Singh Nagar and fourteen others.

……..Petitioners.

Versus

1. State of Uttarakhand through Principal Secretary, Home, Dehradun.
2. State of U.P. through Principal Secretary, Home, Lucknow.
3. The Director General of Police, Police Headquarter, Dehradun, Uttarakhand.
4. The Director General of Police, Police Headquarter, Allahabad.
5. Union of India through Chariman, State Advisory Committee, Jawaharlal Nehru Stadium, Lodhi Road, New Delhi.
6. Senior Superintendent of Police, Udham Singh Nagar.
7. Commandant, 46 Battalion, PAC Task Force, Rudrapur, Udham Singh Nagar.

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri S. K. Mandal, learned counsel for the petitioners, Sri H.M. Raturi, learned standing counsel for State of Uttarakhand on behalf of respondent nos. 1, 3, 6 and 7, Smt. Anjali Bhargav, learned standing counsel for Union of India on behalf of respondent no. 5 and Smt. Beena Pande, learned standing counsel for State of Uttar Pradesh on behalf of respondent no. 2 and 4.

By means of this writ petition, the petitioners have prayed to issue a writ in the nature of Certiorari quashing the orders dated 06.05.2007 and 08.05.2007 passed by respondents no. 6 and 7, which are annexed as Annexure Nos. 2 and 3 to the writ petition. Petitioners have further prayed that respondents be directed not to transfer the petitioners for State of U.P. and to restrain the respondents from interfering with the peaceful working of the petitioners in the State of Uttarakhand.

Learned counsel for the petitioners has submitted that petitioner no. 2 is working as Sub Inspector in District – Udham Singh Nagar and rest of the petitioners are working as Constables in Civil Police, District – Udham Singh Nagar. Prior to creation of State of Uttarakhand, options were invited from Government employees and petitioners had opted for State of Uttar Pradesh. On 20.02.2006, petitioners no.8 and 9 have preferred representation to the Director General of Police with a prayer that they want to serve State of Uttarakhand and as such, their options for State of Uttarakhand may be accepted. However, vide order dated 06.05.2007 and 08.05.2007, respondents have passed order for relieving of the petitioners to State of U.P. Relieving order was passed by State of Uttarakhand *exparte* without consulting the State of U.P.

Smt. Anjali Bhargav, learned standing counsel for Union of India has submitted that final allocation in respect of Police Personnel has already been made by the Union of India and the petitioners, who have opted for State of U.P., have been finally allocated to State of U.P. by Union of India.

Learned counsel for the petitioners has submitted that in pursuance to order dated 29.03.2007 passed by Police Headquarter, Dehradun, by which further options from the police personnel, who are working in the State of Uttarakhand and are willing to serve State of Uttarakhand,, Senior Superintendent of Police, Udham Singh Nagar has invited application for change of option vide order dated 03.04.2007 and as such, impugned orders passed by the respondents are contrary to the order dated 03.04.2007. Which has been issued by Senior Superintendent of Police, Udham Singh Nagar in pursuance to the order dated 29.03.2007 passed by Police Headquarter, Dehradun.

Learned Standing Counsel for State of Uttarakhand has submitted that order dated 29.03.2007 has already been recalled by State Government of Uttarakhand.

In these circumstances, I do not find any merit in the case, as such, writ petition is dismissed *in limine*. No order as to costs.

(M.M. Ghildiyal, J)

May 14, 2007
SKSharma